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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Chairman of the Commission on Human Rights and, with reference to its previous note No. 27 of 13 January, 1994 has the honour to enclose herewith, once again, a document prepared by the Government of the Federal Republic of Yugoslavia entitled "Foreigners in military and paramilitary forces in Croatia and Bosnia and Herzegovina" with the request that it be circulated as an official document of the fiftieth session of the Commission on Human Rights under agenda item 9.

With reference to paragraph 26 of United Nations General Assembly resolution 47/82 of 16 December 1992 which "reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries", the Government of the Federal Republic of Yugoslavia wishes to draw attention to the following:

In 1978, Yugoslavia ratified the Additional Protocol I to the Geneva Convention for the Protection of Victims of International Armed Conflicts of 12 August 1949 applicable to armed conflicts in which peoples are fighting colonial domination, foreign occupation and racist regimes using the right to self-determination. Article 47 of the above Protocol defines the persons considered mercenaries and provides that a mercenary cannot be accorded the treatment of a soldier or prisoner of war.

The criminal legislation of the Federal Republic of Yugoslavia does not provide for incrimination which would correspond to the requirement in paragraph 26 of the above resolution.

However, we consider very positive and acceptable the call of the United Nations General Assembly that the use of mercenaries, their recruitment and training and serving as mercenaries should be punishable offences in national legislations of the United Nations Member States. All the more since the principles of Yugoslavia's foreign policy have always been based on the right of peoples to self-determination and the condemnation of colonial and racist regimes.

Mercenaries participated and still participate in the armed conflicts in former Yugoslavia so that Yugoslavia, as a country, has had negative experience with such persons and, therefore, support any initiative and calls for their punishment.

In this connection, the Federal Government will propose to the Federal Assembly to envisage such a criminal offence to punish mercenaries in the pending radical reform of the criminal legislation, i.e. amendments to the Criminal Code of the FR of Yugoslavia, in compliance with paragraph 26 of General Assembly resolution 47/82.

FOREIGNERS IN MILITARY AND PARAMILITARY FORCES IN CROATIA AND BOSNIA AND HERZEGOVINA

Since the outset of the armed conflict in Yugoslavia, Croatia has recruited a considerable number of foreign mercenaries, instructors and various experts for its armed units.

The following are some most characteristic examples.

- On 28 September 1991, a group of 51 Filipinos including two persons from Jamaica arrived at Sarajevo airport.

- On 7 October 1991, an aircraft coming from Rome landed at the airport in Tivat. The Philippine citizens wishing to join the Croatian Army were aboard that flight. The aircraft was sent back to Rome.

- Early in October 1991, over 100 Argentine citizens of Croatian origin, but also born Argentineans, came to Croatia to sign up with Croatian armed forces.

- In late October 1991, a group of Ukrainians contacted the Yugoslav Embassy in Moscow requesting a Yugoslav visa to travel to Croatia and join irregulars there. The office of the firm "Astra" in Moscow is the headquarters for the recruitment and sending of mercenaries to Croatia.

- Late in October 1991, the Yugoslav Embassy in London received a letter from a Stephen Schapke offering 250 former US paratroopers ready to fight for any side in Yugoslavia.

- At the beginning of November 1991, 20 mercenaries were recruited in the Netherlands and sent to Croatia to join its irregulars.

- For several months during 1991, Colonel Gyla Attila of the Hungarian Army was attached to the Croatian National Guard (CNG) headquarters for Slavonia, Baranja and Western Srem. He was in charge of planning and undertaking combat activities of CNG units in this area.

- At the end of 1991, the Osijek operations zone of the Croatian Army had an international brigade established by Eduardo Rosses Flores, the Zagreb-based correspondent of the Catalonian paper "La vanguardia". The brigade was composed of former French Legion combatants and mercenaries from the wars in the Middle East and Latin America. It often operated on its own in the region of Eastern Slavonia and committed massacres against Serbian civilians in the villages of Divoš, Ernestinovo, Tenjski Antunovac and others.

- The German citizen Kurt (Hans Wilhelm) Reisner, an active member of the Osijek International Brigade and Colton Perry, an American citizen, Lieutenant and Commander of the Croatian Army's 131st

Reconnaissance Squad stationed at Županja, were identified in the detention camp in Sremska Mitrovica.

- A certain number of foreign nationals fought among Croatian National Guards in the battle of Vukovar. They were a German citizen, Harlan von Besinger and a French citizen, Jean Nicolier.

- A Swiss national and the Dutch citizen Gerrit Bronk were killed near Okučani in November 1991 and the British citizens Edward White and Christopher Hencok, both belonging to the International Brigade, got shot near Tenjski Antunovac.

- The so-called First All-Croatian Combat Brigade stationed in Split and tasked with carrying out subversive sea operations has 20 Italian citizens in its ranks.

- The Croatian and Moslem sides in Bosnia and Herzegovina also have a considerable number of foreigners among their forces. Thus, for example, two American citizens were captured as members of the Croatian Army in the territory of Bosnia and Herzegovina in July 1992.

- To the extent to which offensive operations of the Moslem forces have intensified in Bosnia and Herzegovina, there has been an increasing number of citizens from Islamic States fighting in their ranks. Even humanitarian assistance shipped via airports in Sarajevo, Zagreb and Split is used to bring them in.

- On 10 August 1992, a transportation aircraft of the Iranian Air Force landed at Sarajevo airport beyond the aircraft getting in food and medicine. The trucks of Green Berets (which burst onto the runway by breaking the barrier) loaded the weapons and military equipment and an unidentified number of men on board this flight. The trucks left the airport without being inspected by UNPROFOR personnel.

- It is common knowledge that 4,000 - 5,000 Mujahedins coming from a number of Islamic countries (Afghanistan, Iran, Saudi Arabia, Pakistan, Egypt, Jordan, Morocco, Turkey, the Sudan and others) are fighting on the Moslem side in Bosnia and Herzegovina. Information is available that new contingents of Islamic fighters are being prepared to join the Moslems of Bosnia and Herzegovina. According to the evidence gathered so far, they took part in massacres committed against Serb civilians, some of whom were literally butchered and molested (in towns of Goražde, Vutez, Zvornik, Kotor-Varoš, Travnik, Milići and Teslić).

- Moslems are freely recruited and trained in Western Europe and sent in groups to Bosnia and Herzegovina. Humanitarian relief corridors leading through Croatia are mostly used for such operations.

- From among the many Moslem refugees from Bosnia and Herzegovina trying to reach Western Europe through Croatia, the Croatian authorities forcibly select combat-ready males, train them in two field camps near Zagreb and send them to the units of the Moslem-Croatian forces in Bosnia and Herzegovina.

- A large number of Europeans from several countries are fighting on the side of the Moslem-Croatian coalition in Bosnia and Herzegovina. Thus, for example, late in August 1992 the Bosnian Serb forces took one German, a Frenchman and an Englishman prisoner in combat in north-eastern Bosnia.

- During the month of July 1992, 50 Palestinians were sent from Saarbrucken (Federal Republic of Germany) via Zagreb to Bosnia-Herzegovina to fight on the side of "green berets" there.

- During the course of July 1992, 7 000 armed Muslims and Croats were sent to Gradačac from Zagreb in order to fight the local Serbs.

- In September 1992, a group of Muslims in Czechoslovakia despatched a larger number of Muslim volunteers via Karlovac in Croatia to the area of Cazin Krajina in Bosnia-Herzegovina.

- During the course of the same month in 1992, about 1 500 Albanians of Macedonia were trained at the Maksimir training camp in Zagreb. A group consisting of 300 armed Albanians was infiltrated in the wider area of Zvornik in Bosnia-Herzegovina from Zagreb in order to carry out a joint operation with Muslim forces aimed at cutting the Zvornik-Pale communication link.

- Again in September of 1992, a training centre for Mujahedins, Kurds of Afghanistan and Iran and from other Islamic states was established on the outskirts of Munich (Federal Republic of Germany). Some 1 000 of these trainees were subsequently included in the green beret units in Bosnia-Herzegovina through Zagreb.

- On 9 September 1992, in the day, 200 Muslim mercenaries were infiltrated into Cazin Krajina from Croatia. A number of these mercenaries were recruited in Austria and Germany.

- During the month of October 1992, French Nazis Michael Faci and Nicholas Peucelle set up a volunteer operations group in Bosnia-Herzegovina known as "Zak Dorjo". Members of this group belonged to the far right. A photograph of Faci wearing an SS uniform with a citation of the Croatian Government was published in the newspaper "L'evenement du jeudi".

- On 2 October 1992, a group of 30 foreign mercenaries travelled from Zagreb to Doboj to join the green beret units of Bosnia-Herzegovina.

- On 3 October 1992, 800 Muslims were rounded up in a police raid in Rijeka and sent into Bosnia to join the "green berets".

- During the course of October 1992, about 800 Mujahedins came to Zenica through Zagreb.

- On 19 November 1992, 320 Hezbullah members and officers arrived in Bosnia via Zagreb at their own request in order to fight for the Muslim side.

- During the month of November 1992, approximately 3 500 Mujahedins, who came from Zagreb to fight among the "green berets", were deployed in the area of Bugojno.

- On 24 November 1992, a Mujahedin platoon participated in the battle against the Serbs along the Domljenovac-Grebenica line as part of the 102nd HVO (Croatian Defence Council) brigade. They came to this area from Zagreb.

- In late November 1992, a military delegation of Iran came to visit Alija Izetbegović, leader of Bosnia-Herzegovina, via Zagreb. This delegation used that opportunity to visit the units of their mercenaries deployed in the areas of Igman, Pazarić and Hrasnica.

- In early December 1992, 50 Sudanese mercenaries were transported on board an aircraft from Zagreb to Cazin Krajina.

- Last December an international brigade was dispatched from Zagreb to the areas of Livno and Duvno in Bosnia-Herzegovina. This international brigade comprised mercenaries from Poland, Spain, France, Germany and from Islamic countries.

- During the course of last December, a group of Mujahedins was sent from Zagreb to Cazin Krajina. Among them there were also 6 Sudanese in the capacity as instructors to the "green berets".

- Again in December 1992 and January 1993, military experts visited the HVO training centre in Tomislavgrad (Duvno). Retired US Colonel, Robert Brown, formerly with special US forces, was among them.

- In the course of January of this year, nearly 100 mercenaries coming from abroad (United States, Finland, Sweden and Denmark) were sent into 17th Muslim brigade stationed in Travnik, through Zagreb.

- On 18 January 1993, a group of 285 Muslim mercenaries flew into Zagreb from Berlin and subsequently to Bosnia-Herzegovina in order to join the "green berets".

- The French Embassy has formally requested the body of a mercenary Francois who died fighting for the 108th HVO brigade on 1 February 1993.

- In early February of this year, Croatia publicly accused Muslims of bringing 13 000 Mujahedins in Zenica through Croatia and that they were the cause of the conflict which broke out between the Croatian and Muslim forces in the area.

- Again in early February 1993, 20 British citizens came to Zagreb as mercenaries wanting to join up Muslim forces.

- A group of Mujahedin fanatics from Saudi Arabia led by a certain Abu Isa El Meki has committed especially brutal crimes and barbarities against the Serb population in the territory of Bosnia-Herzegovina in the Municipality of Teslić. This group has about 43 members and was deployed to Bosnia directly from Mecca through Zagreb, on the instruction of a senior religious officer from Mecca, imam Gadafer al Meki. This group participated in the massacre of the captured Serb soldiers (photos of beheaded Serb soldiers Blagoje Blagojević, Nenad Petrović and Branko Djurica and other documents were seized at the arrest of the members of this group), sexual abuse of Serb women and children, etc.